

Permit No.: UTR090000

**STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
P.O. Box 144870
SALT LAKE CITY, UTAH 84114-4870**

**Authorization to Discharge Under the
Utah Pollutant Discharge Elimination System**

**General Permit for Discharges from Small Municipal Separate
Storm Sewer Systems**


In compliance with the provisions of the *Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 1953*, as amended (the *Act*) except as provided in *Part I.B.3.* of this permit, operators of storm water discharges from small municipal separate storm sewer systems anywhere within the State of Utah except Indian Lands, identified on a properly prepared and submitted Notice of Intent (NOI) form (see Addendum), are authorized to discharge from the municipal separate storm water sewer system(s) specified in the NOI, to waters of the State in accordance with the conditions and requirements set forth herein.

Only those operators of storm water discharges listed and identified in the properly submitted NOI are authorized under this general permit.

This permit is effective December 9, 2002

This permit and authorization to discharge shall expire at midnight, December 8, 2007

Signed this 9th day of December, 2002



Don A. Ostler, P.E.
Executive Secretary
Utah Water Quality Board

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Appendix A. NOTICE OF INTENT

I. COVERAGE UNDER THIS PERMIT

A. Permit Area

This permit covers all areas of the State of Utah except for Indian lands.

B. Eligibility

1. This permit authorizes discharges of storm water from small municipal separate storm sewer systems as defined in 40 CFR 122.26(b)(16). Authorization to discharge under the terms and conditions of this permit is granted if:

It applies to the operator of a small MS4 within the State of Utah except for Indian lands,

The operator is not a “large” or “medium” MS4 as defined in 40 CFR 122.26(b)(4) or (7), and

The operator submits a complete Notice of Intent (NOI) in accordance with Part II of this permit, and

The MS4 is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census, or

The operator is designated for permit coverage under this permit by the *Executive Secretary*.

2. This permit authorizes the following non-storm water discharges provided they have been determined not to be substantial contributors of pollutants to a particular small MS4 applying for coverage under this permit.

- a) water line flushing
- b) landscape irrigation,
- c) diverted stream flows,
- d) rising ground waters,
- e) uncontaminated ground water infiltration
- f) uncontaminated pumped ground water,
- g) discharges from potable water sources,
- h) foundation drains,
- i) air conditioning condensate,
- j) irrigation water,
- k) springs,
- l) water from crawl space pumps,
- m) footing drains,
- n) lawn watering runoff,
- o) water from individual residential car washing
- p) flows from riparian habitats and wetlands,
- q) dechlorinated swimming pool discharges,
- r) residual street wash water, and
- s) discharges or flows from fire fighting activities
- t) dechlorinated water reservoir discharges

C. Limitations on Coverage

This permit does not authorize:

Discharges of storm water that are mixed with sources of non-storm water unless such discharges of non-storm water are in compliance with a separate UPDES permit or are determined not to be a substantial contributor of pollutants to waters of the State,

Storm water discharges associated with industrial activity as defined in *Utah Administrative Code (UAC) R317-8-3.9(6)(c)*,

Storm water discharges associated with construction activity as defined in *UAC R317-8-3.9(6)(d)(10)* and *R317-8-3.9(6)(d)(11)*,

Discharge of any pollutant into waters of the State for which a Total Maximum Daily Load (TMDL) has been established unless the discharge is consistent with the TMDL. This eligibility condition applies at the time a Notice of Intent is submitted. If conditions change after coverage is issued, the coverage may remain active provided the conditions and requirements of Part 3 are complied with. Discharges not eligible under this permit must be covered under an applicable general UPDES permit or individual permit prior to discharging.

D. Obtaining Authorization

In order for storm water discharges from small municipal separate storm sewer systems to be authorized to discharge under this general permit, a discharger must:

1. Submit a Notice of Intent (NOI) and a description of the storm water management plan in accordance with the requirements of Part II, using an NOI form provided by the *Executive Secretary* (or a photocopy thereof).
2. Where the operator changes, or where a new operator is added after the submittal of an NOI under Part II, a new NOI must be submitted in accordance with Part II.
3. Unless notified by the *Executive Secretary* to the contrary, designated municipalities are authorized to discharge storm water from small municipal separate storm sewer systems under the terms and conditions of this permit upon receipt of the completed NOI and annual fee agreement. The *Executive Secretary* may deny coverage under this permit and require submittal of an application for an individual UPDES permit based on a review of the NOI or other information (see Part VI.L of this permit).

E. Modifications & Maintenance of Supplementary Documents.

1. Permittees must keep all supplementary documents associated with this permit (e.g., Storm Water Management Program(SWMP), SWMP Implementation Schedule) current and up to date and attempt to achieve the purpose and objectives of the required document.
2. All modifications to supplementary documents must show proof that it was submitted to the *Executive Secretary* (a received date stamp from the Division of Water Quality

is sufficient), and if required, it must show that it was approved by the *Executive Secretary* (a signature by the *Executive Secretary* by an approval statement on the document, a separate letter signed by the *Executive Secretary* approving of the modification, or similar is sufficient).

3. The *Executive Secretary* may at any time make a written determination that parts or all of the supplementary documents are unacceptable, wherein the permittee must make modifications to the unacceptable parts within 30 days, or within a time frame specified by the *Executive Secretary*.

II. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification

1. An operator of a regulated small municipal separate storm sewer system designated by the *Utah Administrative Code (UAC) R317-8-3.9(4)(g)1*, must apply for coverage under a UPDES permit, or apply for a modification of an existing UPDES permit by March 10, 2003.

2. An operator of a regulated small municipal separate storm sewer system designated under *UAC R317-8-3.9(4)(g)2*, must apply for coverage under an UPDES permit, or apply for a modification of an existing UPDES permit within 180 days of notice.

B. Contents of Notice of Intent

The Notice(s) of Intent shall be signed in accordance with Part VI.(I). of this permit and shall include the following information:

1. *Information on the Permittee;*

The name, address, and telephone number of the operator filing the NOI for permit coverage;

An indication of whether it is a Federal, State, Local or other public entity;

2. *Information on the Municipal Separate Storm Sewer System;*

Name of receiving water(s) of the State

If the permittee is relying on another governmental entity regulated under the storm water regulations to satisfy one or more of the permit obligations, the identity of that entity(ies) and the element(s) they will be implementing (a form is provided as part of the NOI.)

Information on the chosen best management practices (BMP's) and the measurable goals for each of the storm water minimum control measures in Part IV of this permit, the timeframe for implementing each of the BMP's and the person or persons responsible for implementing or coordinating the Storm Water Management Program.

C. Where to Submit

In order to be considered eligible for coverage under the terms and conditions of this permit, the owner, operator, or authorized agent of a facility must submit a completed *Notice of Intent (NOI)* by certified mail to the following address:

Department of Environmental Quality
Division of Water Quality
288 North 1460 West
PO Box 144870
Salt Lake City, UT 84114-4870
Attention Permits and Compliance Section

D. Co-Permittees Under a Single NOI

MS4's may partner to develop and implement their storm water management program. Several MS4's may also jointly submit an NOI. Each MS4 must fill out the NOI form in Addendum A. of the permit, including Part. VII of the form entitled Contract Certification for SWMP Implementation.

Each permittee is required to submit an annual fee to the Division of Water Quality, as determined by the Utah State Legislature regardless of any co-permitting.

III. SPECIAL CONDITIONS

A. Discharge Compliance With Water Quality Standards

Discharges from the MS4 must not be causing or have the reasonable potential to cause or contribute to a violation of a water quality standard. Where a discharge is already authorized under this permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard the *Executive Secretary* will notify you of such violation(s). The permittee must take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the storm water management program. If violations remain or re-occur, coverage under this permit may be terminated by the *Executive Secretary* and an alternative general permit or individual permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by the Utah Water Quality Act for the underlying violation.

B. Total Maximum Daily Load (TMDL) Allocations

If a TMDL is approved for any water body into which the MS4 discharges, the permittee must: determine whether the approved TMDL is for a pollutant likely to be found in storm water discharges from the MS4; Determine whether the TMDL includes a pollutant wasteload allocation (WLA) or other performance requirements specifically for storm water discharge from the MS4, and; Determine whether the TMDL addresses a flow regime likely to occur during periods of storm water discharge. After the determinations above have been made and if it is found that the MS4 must implement specific WLA provisions of the TMDL, the permittee must assess whether the WLAs are being met through implementation of existing storm water control measures or if additional control measures are necessary. The permittee must: Document all control measures currently being implemented or planned to be implemented; Include a schedule of implementation for all planned controls; Document the calculations or other evidence that shows that the WLA will be met, and; Describe a monitoring program to determine whether the storm water controls are adequate to meet the WLA. If the evaluation shows that additional or modified controls are necessary the permittee must describe the type and schedule for the control additions/revisions. This process must be undertaken until two continuous monitoring cycles show that the WLAs are being met or that WQ standards are being met.

IV. STORM WATER MANAGEMENT PROGRAM

A. Requirements

1. The permittee must develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from their small municipal separate storm sewer system to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the *Utah Water Quality Act*. The SWMP must include the minimum control measures described in section (B) of this Part. The permittee must completely develop and implement the SWMP by five years from the issuance date of their permit coverage & include the following information for each of the six minimum control measures:
 - a. The best management practices (BMP's) that the permittee or another entity will implement for each of the storm water minimum control measures;
 - b. The measurable goals for each of the BMP's including, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action; and
 - c. The person or persons responsible for implementing or coordinating the BMP's for the storm water management program.
 - d. In addition to the requirements listed above, the permittee must provide a rationale for how and why each of the BMP's and measurable goals for their program was selected. The information required for such a rationale is provided in Part B. below for each minimum measure.

B. Minimum Control Measures

The six (6) minimum control measures, which must be included in the permittees storm water management program, are:

1. Public education and outreach on storm water impacts.
 - a. *Permit requirement.* The permittee must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.
 - b. *Decision process.* The permittee must document the decision process for the development of a storm water public education and outreach program. The rationale statement must address both the overall public education program and the individual BMP's, measurable goals and responsible persons for the program. The rationale statement must include the following information, at a minimum:
 - 1) How the permittee plans to inform individuals and households about the steps they can take to reduce storm water pollution.

- 2) How the permittee plans to inform individuals and groups on how to become involved in the storm water program.
- 3) Define the target audiences for the education program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected.
- 4) Define target pollutant sources the education program is designed to address.
- 5) Define the outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) that will be used to reach target audiences, and how many people are expected to be reached by the strategy over the permit term.
- 6) The responsible person for overall management and implementation of the storm water public education and outreach program and, if different, the responsible person for each of the BMP's identified for this program.
- 7) Define a method for evaluating the success of these minimum measures, including how the measurable goals for each of the BMP's was selected.

2. Public Involvement/Participation.

- a. *Permit requirement.* The permittee must at a minimum comply with State and local public notice requirements when implementing a public involvement/participation program.
- b. *Decision process.* The permittee must document the decision process for the development of a storm water public involvement/participation program. The rationale statement must address the overall public involvement/participation program and the individual BMP's, measurable goals, and responsible persons for the program. The rational statement must include the following information, at a minimum
 - 1) How the public has been involved in the development and submittal of the NOI and storm water management program.
 - 2) How the public will be actively involved in the development and implementation of the program.
 - 3) Define the target audiences for the public involvement program, including a description of the types of ethnic and economic groups engaged. The permittee is encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others.
 - 4) Define the types of public involvement activities included in the program. Where appropriate, consider the following types of public

involvement activities: Citizen representatives on a storm water management panel; Public hearings; working with citizen volunteers willing to educate others about the program, and; Volunteer monitoring or stream clean-up activities.

- 5) The responsible person for the overall management and implementation of the storm water public involvement/participation program and, if different, the responsible person for each of the BMP's identified for this program.
- 6) Define a method for evaluating the success of these minimum measure, including how the measurable goals for each of the BMP's was selected.

3. Illicit discharge detection and elimination.

a. The permittee must:

- 1) Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in the *Utah Administrative Code UAC R-317-9*) into the small MS4,
- 2) Keep an updated storm sewer system map, showing the location of all outfalls and the names and location of all waters of the State that receive discharges from those outfalls,
- 3) To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the storm sewer system and implement appropriate enforcement procedures and actions,
- 4) Develop, implement, and adequately fund a plan to detect and address non-storm water discharges, including illegal dumping, to the system,
- 5) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste, and
- 6) Address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if identified as significant contributors of pollutants to the MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the State).

- 7) The permittee may also develop a list of other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the permittee) to be a significant sources of pollutants to the Municipal Separate Storm Sewer system, because of either the nature of the discharges or conditions which have been established for allowing these discharges to the MS4 (e.g. charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMP's on the wash water, etc.) The permittee must document in the SWMP any local controls or conditions placed on the discharges. The permittee must also include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to the MS4.
- b. *Decision process.* The permittee must document the decision process for the development of a storm water illicit discharge detection and elimination program. The rationale statement must address the overall illicit discharge detection and elimination program and the individual BMP's, measurable goals, and responsible persons for the program. The rational statement must include the following information, at a minimum:
- 1) The process of developing a storm sewer map showing the location of all outfalls and the names and locations of all receiving waters. Describe the sources of information used for the maps, and how you plan to verify the outfall locations with field surveys. If already completed, describe how the map was developed and the process for keeping the map updated.
 - 2) The mechanism (ordinance or other regulatory mechanism) which will be used to effectively prohibit illicit discharges into the MS4 and why the particular mechanism was chosen. If the mechanism is being developed describe the plan and schedule to do so. If the ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the program.
 - 3) The plan to ensure through appropriate enforcement procedures and actions that the illicit discharge ordinance (or other regulatory mechanism) is implemented.
 - 4) The plan to detect and address illicit discharges to the system, including discharges from illegal dumping and spills. The plan must include dry weather field screening for non-storm water flows and field tests of selected chemical parameters as indicators of discharge sources. The plan must also address on-site sewage disposal systems that flow into the storm drainage system.
 - 5) Procedures for locating priority areas which includes areas with higher likelihood of illicit connections (e.g. areas withholder sanitary sewer lines) or ambient sampling to locate impacted reaches.

- 6) Procedures for tracing the source of an illicit discharge, including the specific techniques that will be used to detect the location of the source.
- 7) Procedures for removing the source of the illicit discharge.
- 8) Procedures for program evaluation and assessment.
- 9) Procedures to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in your description how this plan will coordinate with your public education minimum measure and your pollution prevention/good housekeeping minimum measure programs.
- 10) The responsible person for the overall management and implementation of the storm water illicit discharge detection and elimination program and, if different, the responsible person for each of the BMP's identified for this program.
- 11) Define a method for evaluating the success of the minimum measure, including how the measurable goals for each of the BMP's was selected.

4. Construction site storm water runoff control.

- a. *Permit requirement.* The permittee must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or salt that would disturb one acre or more. The program must include the development and implementation of, at a minimum:
 - 1) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under local law,
 - 2) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices,
 - 3) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality,
 - 4) Procedures for site plan review, which incorporate consideration of potential water quality impacts and review of individual pre-construction site plans to ensure consistency with local sediment and erosion control requirements,
 - 5) Procedures for receipt and consideration of information submitted by the public; and

- 6) Procedures site inspection and enforcement of control measures.
- b. *Decision Process.* The permittee must document the decision process for the development of a construction site storm water control program. The rationale statement must address both the overall construction site storm water control program and the individual BMP's, measurable goals, and responsible persons for the program. The rationale statement must include the following information, at a minimum:
- 1) The mechanism (ordinance or other regulatory mechanism) which will be used to require erosion and sediment controls at construction sites and why that mechanism was chosen. If the permittee has yet to develop this mechanism, describe the plan and schedule to do so. If the ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the storm water management program description.
 - 2) The plan to ensure compliance with the erosion and sediment control regulatory mechanism, including sanctions and enforcement mechanisms which will be used to ensure compliance. Describe the procedures for when various sanctions will be used. Possible sanctions include non-monetary penalties (such as stop work orders), fines, bonding requirements, and/or permit denials for non-compliance.
 - 3) The requirements for construction site operators to implement appropriate erosion and sediment control BMP's and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste.
 - 4) Procedures for site plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts. A description of procedures and the rationale for how site plan reviews will be prioritized if resources do not allow for all plans to be reviewed. An estimate of the number and percentage of sites which will have pre-construction site plans reviewed.
 - 5) The procedures for receipt and consideration of information submitted by the public (to be coordinated with the requirements for the public education program.)
 - 6) Procedures for site inspection and enforcement of control measures, including how sites will be prioritized for inspections.
 - 7) The responsible person for the overall management and implementation of the storm water construction site program and, if different, the responsible person for each of the BMP's identified for this program.
 - 8) Description of how the success of this minimum control measure will be evaluated, including how the measurable goals will be selected for each BMP.

5. Post-construction storm water management in new development and redevelopment.

- a. The permittee must:
 - 1) Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale or that have been designated to protect water quality, that discharge into the MS4. The program must ensure that controls are in place that will protect water quality and reduce the discharge of pollutants to the maximum extent practicable,
 - 2) Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for the community that will reduce the discharge of pollutants to the maximum extent practicable, and
 - 3) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under local law; and
 - 4) Ensure adequate long-term operation and maintenance of BMPs.
- b. *Decision process.* The permittee must document the decision process for the development of a post-construction storm water management program. A rationale statement must address the overall post-construction storm water management program and the individual BMP's, measurable goals, and responsible persons for the program. The rationale statement must include the following information, at a minimum:
 - 1) The program to address storm water runoff from new development and redevelopment projects, including any specific priority areas for the program.
 - 2) A description describing how the program will be specifically tailored for the local community, how the program will minimize water quality impacts and how the program will attempt to maintain pre-development runoff conditions.
 - 3) Any non-structural BMP's in the program, including: Policies and ordinances that provide requirements and standards to direct growth to identified areas; Protect sensitive areas such as wetlands and riparian areas; Maintain and/or increase open space (including a dedicated funding source for open space acquisition); Provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation;
 - 4) Policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure;
 - 5) Education programs for developers and the public about project designs that minimize water quality impacts; and

- 6) Other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, source control measures (good housekeeping), preventative maintenance and spill prevention.
 - 7) Any structural BMP's in the program, including, as appropriate:
 - 8) Storage practices such as wet ponds and extended-detention outlet structures;
 - 9) Filtration practices such as grassed swales, bioretention cells, sand filters and filter strips; and
 - 10) Infiltration practices such as infiltration basins and infiltration trenches.
 - 11) Description of the mechanisms (ordinance or other regulatory mechanisms) which will be used to address post-construction runoff from new developments and redevelopments and why the particular mechanisms were chosen. If the mechanism is yet to be developed, a description of the plan and a schedule of implementation. If the ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the program.
 - 12) A description of how long-term operation and maintenance (O & M) of the selected BMP's will be ensured (including agreements with other parties such as the post-development landowners or regional authorities.
 - 13) The person responsible for overall management and implementation of the post-construction storm water management program and, if different, the person responsible for each of the BMP's identified for this program.
 - 14) A description of how the success of this minimum measure will be evaluated, including how the measurable goals for each of the BMP's was selected.
6. Pollution prevention/good housekeeping for municipal operations.
- a. The permittee must:
 - 1) Develop and implement an operation and maintenance program that includes a training component and is designed to reduce the discharge of pollutants to the maximum extent practicable, and
 - 2) Include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance,
 - b. *Decision Process.* The permittee must document the decision process for the development of a pollution prevention/good housekeeping program for municipal operations. The rationale statement must address both the overall pollution prevention/good housekeeping program and the individual BMP's, measurable

goals, and responsible persons for the program. The rationale statement must include the following information:

- 1) The operation and maintenance program to prevent or reduce pollutant runoff from the municipal operation. The program must specifically list the municipal operations that are impacted by this operation and maintenance program. A list of industrial facilities owned by the municipal operation which are subject to the State's UPDES Multi-Sector General Permit for discharges of storm water associated with industrial activity which ultimately discharge to the MS4.
- 2) Any government employee training program the permittee will use to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances and storm water system maintenance. A description of any existing materials to be used. A description of how this training program will be coordinated with the outreach programs developed in compliance with the public information minimum measure and the illicit discharge minimum measure.
- 3) The program description must specifically address: Maintenance activities, maintenance schedules, long term inspection schedules, and long term inspection procedures for controls to reduce floatables and other pollutants to the MS4; Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow removal stockpile/disposal areas operated by the MS4; Procedures for the proper disposal of waste removed from the MS4 and the municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris; Procedures to ensure that new flood management projects are assessed for impacts to water quality and that existing projects are assessed for incorporation of additional water quality protection devices or practices.
- 4) The responsible person for overall management and implementation of the pollution prevention/good housekeeping program and, if different, the person responsible for each of the BMP's identified for the program.
- 5) A plan to evaluate the success of this minimum measure, including a description of how the measurable goals for each of the BMP's was selected.

C. SWMP Review and Modification

1. Program Review: The permittee shall participate in an annual review of the current SWMP in conjunction with preparation of the annual report required under *Part IV.D*. This annual review shall include:

- a) A review of the status of program implementation and compliance (or non-compliance) with the schedule of compliance contained in the SWMP;

- b) A review of any revision or change of BMP's in the reporting year and assessment of the change or revision for effectiveness.
- c) An overall assessment of the goals and direction of the SWMP and effectiveness of BMP's.

2. *SWMP Modification*: The SWMP shall be modified in accordance with *Part I.E.* and in accordance with the items below:

- a) Adding or subtracting or replacing components, BMPs, or requirements to the SWMP may be made by the permittee at any time in accordance with provisions in b. and/or c. below,
- b) Adding BMP's or other components to the SWMP can be made at any time provided the BMP's or components are defined in writing,
- c) Subtracting a BMP identified in the SWMP or replacing with an alternate BMP must be made in a written notice submitted to and approved by the *Executive Secretary* prior to the change. The notice must provide an analysis of why the BMP is being subtracted or replaced; why the change should be made (including cost arguments); it must describe expectations of the replacement BMP or why a subtracted BMP will not deter from the goals of the SWMP; and explain why, in the case of the replacement BMP, it is expected to provide a comparable level of performance as was originally expected of the BMP it is to replace.

D. Annual Report

The permittee must prepare an annual system-wide report covering each calendar year (January 1 to December 31) or fiscal year (July 1 to June 30) to be submitted by April 1 or October 1 respectively of the following year (In the case of an alternate fiscal year the annual report shall be submitted by 3 months from the end date of the fiscal year). The permittee shall sign and certify the annual report in accordance with *Part V.H* and *I* for the information provided by them. The report shall include the following information:

Current copy of the SWMP (to include a detailed implementation schedule with the first annual report due in the permit term).

Status and assessment of BMP implementation in the SWMP.

- a) Are BMPs being implemented as planned, what is the status of any schedules of implementation, etc.,
- b) assessment of effectiveness of BMPs.

Annual expenditures for permit compliance for the prior year and projected budget for the year following each annual report (going by the fiscal year of the municipality);

A summary describing the activities, progress, and accomplishments in each of the minimum control measures #1 through #6 (including items such as number and nature of

enforcement actions, inspections, public involvement activities, illicit discharges that were eliminated, public education ventures, water quality improvements or degradation.

E. SWMP Implementation Schedule Review, Enforcement and Modification

1. *SWMP Implementation Schedule Review and Enforcement:* The permittee shall make all possible efforts to schedule SWMP activities on a reasonable schedule. Items shall be prioritized and implemented on an annual basis to achieve full implementation within the five year permit period. A detailed implementation schedule shall be submitted with the first annual report for review by the *Executive Secretary*. Should the *Executive Secretary* find deficiencies to the program structure and implementation schedule such deficiencies will be reported to the permittee along with a compliance timeframe to update the program and schedule. The program implementation schedule will become an enforceable part of the permit. Failure to meet these requirements with a good faith effort and within the timeframes set forth will result in an enforcement action by the *Executive Secretary*.

2. *SWMP Implementation Schedule Modification:* The SWMP Implementation Schedule shall be modified in accordance with Part I.E. of this permit.

- a) Adding components to the implementation schedule can be made at any time until the first annual report without submission to the *Executive Secretary*. After that time any additions may be made provided they are defined in writing and submitted to the *Executive Secretary*.
- b) Subtracting components of the implementation schedule or modification of existing components after formal submission of the implementation schedule with the first annual report must be made in a written notice submitted to the *Executive Secretary* prior to the change. The notice must provide an explanation of why the component is being subtracted or altered.

F. Legal Authority.

The permittee shall insure legal authority exists to control discharges to and from the MS4. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements to:

1. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity (including construction activity);
2. Effectively prohibit illicit and non-storm water discharges through ordinance, or other regulatory mechanism, into the MS4 and must be able to implement appropriate enforcement procedures and actions;
3. Control the discharge of spills and the dumping or disposal of materials other than storm water into the MS4;
4. Control through interagency agreements among co-permittees the contribution of pollutants from one portion of the MS4 to another;

5. Require compliance with conditions in ordinances, permits, contracts or orders; and
6. Carry out all inspection, surveillance and monitoring activities and procedures necessary to determine compliance with conditions in this permit.

G. Sharing Responsibility

If the permittee is relying on another governmental entity regulated under *UAC R317-9* to satisfy one or more of the permit obligations, you must note that fact in your NOI. This other entity must, in fact, implement the control measure(s); the measure of component thereof, must be at least as stringent as the corresponding UPDES permit requirement; and the other entity must agree to implement the control measure on the permittees behalf. This agreement between the two or more parties must be documented in writing in the storm water management plan and be retained by the permittee for the duration of this permit, including any automatic extensions of the permit term.

V. MONITORING, RECORDKEEPING AND REPORTING

A. Narrative Standard.

It shall be unlawful, and a violation of this permit, for the permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste, or conditions which produce undesirable aquatic life or which produces objectionable tastes in edible aquatic organisms; or concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures.

B. Reporting of Monitoring Data.

Monitoring data shall be included in a discharge monitoring report and included in the Annual Report required by *Part IV D*.

C. Certification and Signature of Reports

All reports required by the permit and other information requested by the *Executive Secretary* shall be signed and certified in accordance with *Part VI H* of the permit.

D. Reporting: Where to Submit.

The Annual Report shall be submitted according to *Part IV D*. The first report may include less than twelve months of information.

Signed copies of the Annual Report required by *Part IV D*. and all other reports required herein, shall be submitted to:

Department of Environmental Quality
Division of Water Quality
PO Box 144870
288 North 1460 West
Salt Lake City, UT 84114-4870

E. Retention of Records.

The permittee shall retain all required plans, records of all programs, records of all monitoring information, copies of all reports required by this permit, and records of all other data required by or used to demonstrate compliance with this permit, for at least three years. This period may be explicitly modified by alternative provisions of this permit or extended by request of the *Executive Secretary* at any time.

VI STANDARD PERMIT CONDITIONS

- A. Duty to Comply . The permittee must comply with all conditions of this permit insofar as those conditions are applicable to each permittee, either individually or jointly. Any permit noncompliance constitutes a violation of the "*Act*" and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- B. Penalties for Violations of Permit Conditions . The *Act* provides that any person who violates a permit condition implementing provisions of the *Act* is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions or the *Act* is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under *UCA 19-5-115(2)* a second time shall be punished by a fine not exceeding \$50,000 per day. Except as provided at *Part III.G, Bypass of Treatment Facilities* and *Part III.H, Upset Conditions*, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Duty to Reapply . If the permittee wish to continue an activity regulated by this permit after the permit expiration date, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit. The *Executive Secretary* may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at *UAC R317-8-5* and any subsequent amendments.
- D. Need to Halt or Reduce Activity not a Defense . It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- E. Duty to Mitigate . The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- F. Duty to Provide Information . The permittee shall furnish to the *Executive Secretary*, within a time specified by the *Executive Secretary*, any information which the *Executive Secretary* may request to determine compliance with this permit. The permittee shall also furnish to the *Executive Secretary* upon request copies of records required to be kept by this permit.
- G. Other Information . When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the *Executive Secretary*, the permittee shall promptly submit such facts or information.
- H. Signatory Requirements . All Discharge Monitoring Reports, storm water management programs, storm water pollution prevention plans, reports,

certifications or information either submitted to the *Executive Secretary* or that this permit requires to be maintained by the permittee, shall be signed by:

1. For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

the chief executive officer of the agency, or

a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA); or

2. a duly authorized representative of that person. A person is a duly authorized representative only if:

the authorization is made in writing by a person described above and submitted to the *Executive Secretary*.

the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

3. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new notice of intent satisfying the requirements of this paragraph must be submitted to the *Executive Secretary* prior to or together with any reports, information, or applications to be signed by an authorized representative.

- I. Certification . Any person signing documents under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- J. Availability of Reports. Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Executive Secretary. As

required by the *Act*, permit applications, permits and effluent data shall not be considered confidential.

- K. Penalties for Falsification of Reports . The "*Act*" provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months, or by both.
- L. Penalties for Falsification of Monitoring Systems . The "*Act*" provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in *19-5-111* of the "*Act*".
- M. Oil and Hazardous Substance Liability . Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the "*Act*".
- N. Property Rights . The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- O. Severability . The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- P. Requiring an Different Permit .
 - 1. The *Executive Secretary* may require the permittee authorized by this permit to switch to another municipal *UPDES* permit. Any interested person may petition the *Executive Secretary* to take action under this paragraph. The *Executive Secretary* may require the permittee authorized to discharge under this permit to apply for an individual or other municipal *UPDES* permit only if the permittee has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the permittee to file the application, and a statement that on the effective date of the municipal *UPDES* permit, coverage under this permit shall automatically terminate. Permit applications shall be submitted to the address of the *Division of Water Quality* shown in *Part III.F.* of this permit. The *Executive Secretary* may grant additional time to submit the application upon request of the applicant. If the municipality fails to submit in a timely manner a municipal *UPDES* permit application as required by the *Executive Secretary*, then the applicability of this permit to the permittee

is automatically terminated at the end of the day specified for application submittal.

Q. State/Environmental Laws .

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by *UCA 19-5-117*.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

R. Proper Operation and Maintenance . The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by the permittee only when necessary to achieve compliance with the conditions of the permit.

S. Monitoring and Records .

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the *Executive Secretary* at any time.
3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The time(s) analyses were initiated;
 - e. The initials or name(s) of the individual(s) who performed the analyses;

- f. References and written procedures, when available, for the analytical techniques or methods used; and
 - g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
- T. **Monitoring Methods.** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- U. **Inspection and Entry .** The permittee shall allow the *Executive Secretary* or an authorized representative of EPA, or the State, upon the presentation of credentials and other documents as may be required by law, to:
 - 1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
 - 2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
 - 3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).
- V. **Permit Actions .** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

VII PERMIT MODIFICATION

- A. Modification of the Permit . The permit may be reopened and modified during the life of the permit to address:
1. changes in the State's Water Quality Management Plan, including Water Quality Standards;
 2. changes in State or Federal statutes or regulations;
 3. changes in portions of the storm water management program that are considered permit conditions; or
 4. new information or studies related to development of total maximum daily loads (TMDLs) developed for the watershed that requires attention to monitoring, limits, BMPs, or other permit conditions.
 5. other modifications deemed necessary by the *Executive Secretary* to meet the requirements of the "Act".

All modification to the permit will be made in accordance with *UAC R317-8-5*.

- B. Modification of Storm Water Management Program(s) . Only those portions of the SWMPs specifically required as permit conditions shall be subject to the modification requirements of *UAC R317-8-5.6*. Replacement of a failing BMP implementing a required component of the SWMP with an alternate BMP expected to provide at least the same level of performance initially expected of the failing BMP, shall be considered minor modifications to the permit and will be made in accordance with the procedures at *UAC R317-8-5.6(3)*.
- D. Changes in Monitoring Outfalls . This permit is issued on a system-wide basis in accordance with CWA § 402(p)(3)(i) and authorizes discharges from all portions of the MS4. Since all outfalls are authorized, changes in monitoring outfalls, other than those with specific numeric effluent limitations, shall be considered minor modifications to the permit and will be made in accordance with the procedures at *UAC R317-8-5.6(3)*.

VIII DEFINITIONS

- A. Definitions related to this permit and small municipal separate storm sewers.
1. "Act" means the Utah Water Quality Act.
 2. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
 3. "Bypass" means the diversion of waste streams from any portion of a treatment facility.
 4. "CWA" means The Federal Water Pollution Control Act, as amended, by The Clean Water Act of 1987.
 5. "Co-permittee" means a permittee to a UPDES permit that is only responsible for permit conditions relating to the discharge for which it is operator.
 6. "Control Measure" refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.
 7. "Core Municipality" means, for the purpose of this permit, the municipality whose corporate boundary (unincorporated area for counties) defines the municipal separate storm sewer system. (ex. Salt Lake City for the Salt Lake City Municipal Separate Storm Sewer System, Salt Lake County for unincorporated Salt Lake County)
 8. "CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).
 9. "Discharge" for the purpose of this permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).
 10. "Dry weather screening" is monitoring done in the absence of storm events to discharges representing, as much as possible, the entire storm drainage system for the purpose of obtaining information about illicit connections and improper dumping.
 11. When the permit refers to "dry weather screening" it is referring to a program of monitoring storm water discharges during dry periods (when little or no storm water is likely to be discharged) for the purpose of detecting and locating illicit discharges or improper connections to the storm drain.

12. "EPA" means the United States Environmental Protection Agency.
13. "Event mean concentration" or EMC means the average concentration of a constituent in storm water runoff during a storm runoff event. Sampling a constituent to find the EMC for a storm event can be done using flow-weighted sampling procedures.
14. "Executive Secretary" means Executive Secretary of the Utah Water Quality Board.
15. "Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.
16. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
17. "Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
18. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a UPDES permit (other than the UPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.
19. "Incorporated place" means a city, town, township, or village that is incorporated under the laws of the State.
20. "Individual Residence" refers, for the purposes of this permit, to single or multi-family residences. (e.g. single family homes and duplexes, townhomes, apartments, etc.)
21. "Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
22. "Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.
23. "MEP" is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems established by the CWA § 402(p). A discussion of MEP as it applies to small MS4s is found at 40CFR122.34.
24. "MS4" is an acronym for "municipal separate storm sewer system".

25. "Major municipal separate storm sewer outfall" (or "major outfall") means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).
26. A "measurable storm event" is an event where rainfall or precipitation measures greater than 0.1 inches of rainfall and that occurs at least 72 hours from the previously measurable storm event.
27. "Municipal separate storm sewer system" means all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems pursuant to paragraphs R317-8-1.6(4), (7), & (14), or designated under UAC R317-8-3.9(1)(a)5.
28. "NOI" is an acronym for "Notice of Intent" to be covered by this permit and is the mechanism used to "register" for coverage under a general permit.
29. "Outfall" means a point source as defined by UAC R317-8-1.5(34) at the point where a municipal separate storm sewer discharges to waters of the State and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the State and are used to convey waters of the State.
30. "Phase II areas" means areas regulated under UPDES storm water regulations encompassed by small MS4's (see definition 36).
31. "SWMP" is an acronym for storm water management program.
32. "SWP3" is an acronym for storm water pollution prevention plan, a plan required of all industrial facilities that are obligated to be covered under an industrial storm water permit.
33. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
34. "Small municipal separate storm sewer system" means all separate storm sewers that are:

- a. Owned or operated by the United States, State of Utah, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial waste, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the State.
 - b. Not defined as “large” or “medium” municipal separate storm sewer system pursuant to paragraphs 21 or 26 of this section, or designated under UAC R317-8-3.9(1)(a)5.
 - c. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.
35. "Storm water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.
36. Storm water discharge associated with small construction activity means the discharge of storm water from:
- a. Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. The Executive Secretary may waive the otherwise applicable requirements in a general permit for a storm water discharge from construction activities that disturb less than five acres where:
 - (1) The value of the rainfall erosivity factor (“R” in the Revised Universal Soil Loss Equation) is less than five during the period of construction activity. The rainfall erosivity factor is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), page 21-64, dated January 1997. Copies may be obtained from EPA’s Water Resource Center, Mail Code RC4100, 401 M St. S.W., Washington, DC 20460. A copy is also available for inspection at the U.S. EPA Water Docket, 401 M Street S.W., Washington, DC. 20460, or the Office of Federal

Register, 800 N. Capitol Street N.W. Suite 700, Washington, DC. An Operator must certify to the Executive Secretary that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five; or

- (2) Storm water controls are not needed based on a “total maximum daily load” (TMDL) approved by EPA that addresses the pollutant(s) of concern or, for non-impaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutant(s) of concern or that determines that such allocations are not needed to protect water quality based on considerations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this paragraph, the pollutant(s) of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The operator must certify to the Executive Secretary that the construction activity will take place, and storm water discharges will occur, within the drainage area addressed by the TMDL or equivalent analysis.

- b. Any other construction activity designated by the Executive Secretary based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the State.

37. "Storm water discharge associated with industrial activity" means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the UPDES program. See Utah Administrative Code (UAC) R317-8-3.9(6)(c) and (d) for provisions applicable to this definition.
38. “SWMP” is an acronym for “Storm Water Management Program.”
39. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
40. "UAC" is an acronym for Utah Administrative Code.

41. “Waters of the State” means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private which are contained within, flow through, or border upon this state or any portion thereof, except bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife which shall not be considered to be “waters of the state” under this definition (“UAC” R317-1-1.32).